REMARKS

Applicants request entry of the foregoing amendment to claim 18, which merely eliminates a minor wording error and is therefore a change of the type for which Rule 116 was intended. With that amendment's entry, claims 2-6, 10, 11, 13-23, 38, 40, 41, 43-48, 52-53, and 55-69 are pending.

Applicants thank the Examiner for the time taken in conducting a June 20, 2006, interview between Examiner Le and Applicants' undersigned attorney. During the course of the discussion, Applicants' attorney made the arguments elaborated on below.

The rationale set forth in the April 21, 2006, Office action's ¶ 6 for the rejection in that action's ¶ 7 under the first paragraph of 35 U.S.C. § 112 was that the passage on which that Applicants' previous argument relied for support of the three independent claims' recitations of "monitoring writes to file in the source storage system since the previous storage time" was drawn from Midgley et al.'s issued U.S. Patent No. 6, 460,055 rather than from the instant application's specification. However, the language that Applicants relied on for support was in fact taken from the instant application's paragraph 0046: "[T]he detecting agent can interrupt requests (e.g., write requests) from an operating system of the data server 400 to policy data files 475 stored on the data storage device 470." The purpose for thus "intercepting" write requests is to remember where file-system data modified since the last back-up-storage time are located. Obviously, the agent cannot know what those locations are without watching for, i.e., without monitoring, write requests, so anyone skilled in the art would understand the specification to indicate that such monitoring occurs.

Therefore, the specification contains adequate support for the questioned claim limitation, so the rejection under the first paragraph of 35 U.S.C. §112 should be withdrawn.

The Examiner thereupon indicated that the argument should be put in writing and that not enough time was available for further discussion, so the interview did not deal with the issues that the Examiner's ¶ 8 raised. Among those was that the Examiner did not consider the independent claims to comply with the second paragraph of 37 U.S.C. §112. Specifically, the action states that "it is not understood how a sequence of storage times in the preamble affects the way the method operates, what changes at limitation A), what is considered 'that storage time' at limitation i), what is considered 'those contents' and 'those locations' at limitation i) and ii). That interview therefore did not afford Applicants any better understanding of that rejection's basis than the written rejection gives, so Applicants confine their response to the following review of the claim language's meaning.

Basically, the claim language means what ordinary English definitions and grammar would have them mean. The preamble recites a sequence of storage times, and the elements in body paragraphs A) and B) are recited as applying "for each of a sequence of storage times." That is, although those body recitations apply to every one of a plurality of the storage times in the sequence, they do so, in accordance with the normal and customary meaning of the word *each*, to one of them at a time, and it is that one at a time to which, in accordance with normal English usage, "that storage time" refers. Again, this is normal English usage. It is the same as in, "Each child's back pack has that child's name on it": the sentence refers to all children, but to each one separately, since presumably not all the children have the same name.

Moreover, the preambles' recitations of storage times do indeed affect the recited operations that the claims' bodies recite. As, e.g., claim 61's preamble together with its ¶ B) plainly states, it is at each given storage time that the recited storage of the identified locations' contents occurs in the backup storage system, and the locations identified for that purpose are the ones that at the given storage time have, as ¶ A) states, changed since the previous storage time.

Finally, ¶ B) i) introduces "contents" and "locations," which clearly are what ¶ B) ii)'s "those contents" and "those locations" refer to.

In short, the meanings of the questioned phrases are the ones that normal rules of English grammar and meaning dictate. So, if the Examiner wishes to persist in the rejection under the second paragraph of 35 U.S.C. §112, Applicants respectfully request that the Examiner state the basis for that rejection with more precision.

Applicants further respectfully request that the Examiner withdraw all rejections and allow all currently pending claims.

Respectfully submitted,

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